

Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 PARIS 21775 251751Z

64

ACTION L-03

INFO OCT-01 AF-06 ARA-10 EUR-12 NEA-10 ISO-00 OES-05 FEA-01

ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-02 OFA-01 COME-00 DLOS-04 DODE-00 DOTE-00 EB-07

EPA-04 ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05

IO-10 JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02

PM-04 PRS-01 SP-02 SS-15 USIA-15 /173 W

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R 251706Z AUG 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 2467

INFO AMEMBASSY BONN

AMEMBASSY ABIDJAN

AMEMBASSY LONDON

AMEMBASSY SANTO DOMINGO

AMEMBASSY STOCKHOLM

AMEMBASSY DAKAR

AMEMBASSY SUVA

AMEMBASSY MONROVIA

AMEMBASSY BEIRUT

AMEMBASSY RABAT

AMEMBASSY DAMASCUS

AMEMBASSY OSLO

AMEMBASSY COPENHAGEN

AMEMBASSY ALGIERS

UNCLAS PARIS 21775

E. O. 11652: N/A

TAGS: EWWT, FR

SUBJ: INTERNATIONAL CIVIL LIABILITY CONVENTION

REF: STATE 191436

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1. FOLLOWING IN INFORMAL TRANSLATION IS MAIN BODY OF
FOREIGN MINISTRY RESPONSE TO THREE POINTS RAISED IN

PARA 4 REFTEL:

"BY LETTER DATED 14 AUGUST YOU ASKED WHAT POSITION THE FRENCH AUTHORITIES MIGHT TAKE TOWARD INSURANCE CERTIFICATES FOR POLLUTION DAMAGE CAUSED BY OIL DISCHARGES, DELIVERED BY THE US TO ITS VESSELS UNDER SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT.

"AS YOU KNOW, THE CONVENTION ON CIVIL LIABILITY OF 1969, WHICH ENTERED INTO FORCE LAST JUNE 19 AND WHICH FRANCE HAS JUST RATIFIED, DEFINES AS "POLLUTION DAMAGE" ANY LOSS OR ANY DAMAGE OUTSIDE THE VESSEL TRANSPORTING PETROLEUM, INCLUDING THE COST OF SAFEGUARD MEASURES AND ANY LOSS OR ANY DAMAGE CAUSED BY THE AFORESAID MEASURES (ARTICLE I, PARAGRAPH 6). THE CERTIFICATES DELIVERED IN ACCORDANCE WITH ARTICLE VII OF THE CONVENTION MUST THEREFORE, TO BE CONSIDERED VALID, PROVIDE A GUARANTY WHICH NOT ONLY COVERS THE COSTS OF CLEANING WATERS AND COASTS, BUT ALSO DAMAGE CAUSED TO PERSONS AND THEIR PROPERTY.

"THUS, I AM AFRAID THAT DUE TO THE RELATIVELY NARROW LIABILITY COVERED BY THE AMERICAN CERTIFICATES, THE FRENCH AUTHORITIES WOULD REFUSE TO RECOGNIZE THE VALIDITY OF THESE CERTIFICATES. ON THE OTHER HAND, I CAN ASSURE YOU THAT THESE SAME AUTHORITIES RECOGNIZE AS VALID THOSE CERTIFICATES ISSUED IN ACCORDANCE WITH THE CLAUSES OF THE 1969 CONVENTION BY STATES NOT YET PARTIES TO SAID CONVENTION BUT WHICH HAVE INSTITUTED RATIFICATION PROCEEDINGS.

"THIS MEASURE' WHICH APPLIES IN PARTICULAR TO ITALY, COULD THEREFORE BE EXTENDED TO THE US IN CASE THE US WERE TO DECIDE TO DELIVER AS OF NOW TO AMERICAN FLAG VESSELS A DOCUMENT PROVIDING INSURANCE OR A FINANCIAL GUARANTY IN CONFORMITY WITH THE NEW INTERNATIONAL REGULATIONS."

2. FRENCH ORIGINAL POUCHED DEPT.
GAMMON

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Margaret P. Grafeld
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